

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Daniel E. Lafreniere, Plaintiff  
vs.

No. 04-40070-NG

United States of America, Defendant

28 July 2004

**Plaintiff's Motion To Default The Defendant  
And For The Entry Of Judgment For The Plaintiff**

---

The Plaintiff moves pursuant to **F.R.Civ. P. Rule 55(b)(2)and(e)** that the Court default the Defendant United States of America for its failure to file a responsive pleading to the Complaint within sixty (60) days allowed by law and set forth in the Summons, i.e. on or before 20 July 2004 and also enter a default judgment against the Defendant in the amount of Sixteen Thousand Dollars (\$16,000.) plus interest and costs as required herein.

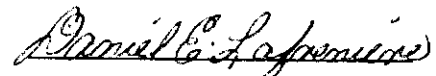
**In support of this Motion the Plaintiff states:**

1. The Complaint was served on the office of the United States Attorney for the District of Massachusetts on 21 May 2004.
2. The Complaint was also served upon the Attorney of the United States on 24 March 2004.
3. On 20 July 2004, sixty days after the date of service on the United States Attorney, no response pleading was filed by the Defendant.
4. The Complaint is now verified by the Plaintiff in his affidavit filed herewith.
5. The Complaint, the **Plaintiff's Opposition to The Defendants Motion to Extend Time**, and the **Plaintiff's Motion to Default** (all verified by the Affidavit) and the documents attached to the Complaint establish the Plaintiff's right to judgment by default, and establish that the amount claimed in the Administrative Claim filed with the Defendant is the amount to which the Plaintiff is entitled, sufficient to satisfy the provisions of **Rule 55(e)**
6. The Plaintiff is entitled to the addition of interest at least from the date of filing of the Complaint, 5 May 2004.
7. The Plaintiff is entitled to his costs to be taxed in accordance with law.

No. 04-40070-NC

8. The Plaintiff requests a separate judgment for monetary sanctions in such amount as shall be awarded by the Court against the United States Attorney for the District of Massachusetts on account of the matter set forth in the Complaint, **Paragraph 28 and 29** and in the Plaintiff's **Opposition to the Defendant's Motion to Extend Time** (the Opposition).
9. The Plaintiff further requests that **no relief** from the Default or Judgment be granted to the Defendant because of the negligent and unreasonable conduct of the Defendant as set further in the Complaint and Opposition extending up to and including the filing of the **Motion to Extend Time** and because of the negligent and unethical conduct of an employee of the Federal Bureau of Investigation as set forth in **Paragraph 28 and 29** of the Complaint and in the Opposition filed herewith and incorporated herein.

Respectfully submitted,

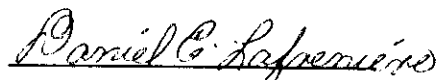


Daniel E. Lafreniere, Pro Se

Reg.No. 90333-038  
Federal Medical Center Devens  
P.O.Box 879 - Camp  
Ayer, MA. 01432

**CERTIFICATE OF SERVICE**

I, **Daniel E. Lafreniere**, certify that I served a copy of this **Motion to Default the Defendant** by depositing it in an envelope, postage prepaid, in the inmate mail system at FMC Devens - Camp, Ayer, Massachusetts, to Jennifer C. Boal, Assistant United States Attorney, John J. Moakley U.S. Courthouse, Suite 9200, Boston, Massachusetts 02210, on July 30, 2004.



Daniel E. Lafreniere, Pro Se

Reg.No. 90333-038  
Federal Medical Center Devens  
P.O.Box 879 - Camp  
Ayer, MA. 01432